

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

OMAR DE JESUS PADILLA MENDEZ, :

Petitioner, :

v. :

WARDEN, STEWART DETENTION
CENTER, :

Respondent. :

Case No. 4:26-CV-49-CDL-AGH
28 U.S.C. § 2241

RESPONDENT’S MOTION TO DISMISS

On January 2, 2026, Caryelis Infante Moreno, as next friend, filed an application for a writ of habeas corpus on behalf of Omar de Jesus Padilla Mendez (the “Petition”). ECF No. 1. On January 12, 2026, the Court ordered Respondents to file a comprehensive response within twenty-one (21) days of the Court’s order. ECF No. 4. Respondent now files this Motion to Dismiss the Petition. Petitioner was removed from the United States on January 16, 2026, and the Petition should consequently be dismissed as moot.

ARGUMENT

On January 16, 2026, the Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”) removed Petitioner from the United States via ICE Air. *See* Ex A, Form I-296, Notice to Alien Ordered Removed/Departure Verification. Because Petitioner is no longer in Respondent’s custody, the Court lacks subject-matter jurisdiction over his claims. Accordingly, the Court should dismiss the Petition as moot.

The case-or-controversy requirement of Article III, section 2 of the United States Constitution subsists through all stages of federal judicial proceedings. *See Spencer v Kemna*,

523 U.S. 1, 7 (1998). A petitioner “must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” *Lewis v. Cont'l Bank Corp.*, 494 U.S. 472, 477 (1990). “The doctrine of mootness derives directly from the case or controversy limitation because an action that is moot cannot be characterized as an active case or controversy.” *Soliman v. United States*, 296 F.3d 1237, 1242 (11th Cir. 2002) (internal quotation marks and citation omitted). “Put another way, a case is moot when it no longer presents a live controversy with respect to which the court can grant meaningful relief.” *Fia. Ass'n of Rehab. Facilities, Inc. v. Fla. Dep't of Health & Rehab. Servs.*, 225 F.3d 1208, 1217 (11th Cir. 2000) (internal quotation mark and citation omitted). Thus, “[i]f events that occur subsequent to the filing of a lawsuit or an appeal deprive the court of the ability to give the plaintiff or appellant meaningful relief, then the case is moot and must be dismissed.” *Al Najjar v. Ashcroft*, 273 F.3d 1330, 1336 (11th Cir. 2001). “Indeed, dismissal is required because mootness is jurisdictional.” *Id.*; see also *De La Teja v. United States*, 321 F.3d 1357, 1362 (11th Cir. 2003). Once a petitioner has been removed from the United States, the dispute regarding his detention is rendered moot and must be dismissed. See *Soliman*, 296 F.3d at 1243.

Here, the Petition requested Petitioner’s release from custody. Pet. 11, ECF No. 1. He was removed from the United States on January 16, 2026, and is no longer in Respondent’s custody. Ex. A. Because Petitioner is not in Respondent’s custody, the Court can no longer give Petitioner any meaningful relief regarding his detention. Accordingly, the Petition is moot and should be dismissed.

CONCLUSION

For the foregoing reasons, Respondent requests that Petitioner’s application for habeas relief be dismissed.

Respectfully submitted this 2nd day of February, 2026.

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CERTIFICATE OF SERVICE

This is to certify that I have this date filed the Motion to Dismiss with the Clerk of the United States District Court using the CM/ECF system, which will send notification of such filing to the following:

N/A

I further certify that I have this date mailed by United States Postal Service the document and a copy of the Notice of Electronic Filing to the following non-CM/ECF participants:

Omar de Jesus Padilla Mendez
A# 
Stewart Detention Center
P.O. Box 248
Lumpkin, GA 31815

Caryelis Infante Moreno



This 2nd day of February, 2026.

BY: *s/ Travis D. Lynes*
TRAVIS D. LYNES
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